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TO RUEHC/SECSTATE WASHDC 6647  
RUEHPH/CDC ATLANTA GA  
INFO RUEAUSA/DEPT OF HHS WASHINGTON DC  
RUEHRC/USDA FAS WASHDC  
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RUEHXS/ASSOCIATION OF SOUTHEAST ASIAN NATIONS  
RHHMUNA/HQ USPACOM HONOLULU HI  
RHHMUNA/CDR USPACOM HONOLULU HI//J07/CATMED/CAT//  
RUEHBK/AMEMBASSY BANGKOK 8179  
RUEHBY/AMEMBASSY CANBERRA 1361  
RUEHFR/AMEMBASSY PARIS 1052  
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SIPDIS

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DEPT FOR EAP/MTS, G/AIAG AND OES  
USAID FOR ANE/CLEMENTS AND GH/CARROLL  
DEPT ALSO PASS TO HHS/WSTEIGER/ABDOO/MSTLOUIS AND HHS/NIH  
GENEVA FOR WHO/HOHMAN

E.O. 12958: N/A  
TAGS: [TBIO](#) [AMED](#) [CASC](#) [EAGR](#) [AMGT](#) [PGOV](#) [ID](#)  
SUBJECT: INDONESIA - SAMPLE SHARING POSITION HARDENS

REF: A) State 141771 B) Jakarta 02734 and previous

¶1. (SBU) Summary. Following participation in a Third World Network-organized meeting in Geneva, Indonesia's views on sample sharing seem to be hardening. Dr. Widjaja Lukito, Government of Indonesia lead on sample sharing, told us on October 11 that Indonesia intends to seek support within the Global Influenza Surveillance Network (GISN) for the inclusion of rigorous "Standards Terms and Conditions (STCs)" - roughly akin to material transfer agreements - for sample sharing. Lukito agreed to meet with USG officials during the October 17-18 Chatham House meetings in London. End summary.

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MORE RIGOROUS STCs  
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¶2. (U) During an October 11 meeting with Dr. Widjaja Lukito, Health Policy Adviser to the Minister of Health; Dr. Endang Sedyaningsih Mamahit, Litbangkes Senior Researcher; and Dr. Indroyono Tantor, Public Health Risk Adviser, we delivered instructed talking points (ref A), outlining the USG's position on the GISN and plans for the October 17-18 Chatham House event. The three members of the Indonesian negotiating team recently returned from meetings in Geneva which they described as "planning sessions for the upcoming GISN meetings."

¶3. (SBU) Lukito reported that Indonesia remains concerned with the same issues discussed during our September 27 meeting (Reftel B) but that they also will focus on greater attention to the "Standard Terms and Conditions" (STCs) that delineate documents and conditions that must accompany all specimen transfers. Although Indonesian negotiators no longer use the term of "material transfer agreements", STCs provide similar restrictions for specimen use for noncommercial purposes only, including risk assessment or development of "noncommercial" vaccines.

¶4. (SBU) Lukito said that, under this type of STCs, the GOI would agree to share samples as long as documentation restricts samples use to noncommercial purposes. Before a GISN collaborating center forwards any materials to the commercial sector or a research laboratory, the collaborating center must seek permission from the Member State. The Member State should have an opportunity to

negotiate terms with how the samples are used. Endang said that the STCs could be used on a multilateral basis to obtain benefits for all developing countries. Lukito was less clear and seemed to imply that Member States might negotiate bilateral benefits (technology transfer, domestic production, etc.)

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CLEARER UNDERSTANDING OF GISN  
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15. (SBU) Endang also described that the MOH needs to better understand how the GISN operates. The Indonesian team feels frustrated with the introduction of new terms during each round of discussion on the GISN. For example, the Indonesians understood the term "global reference laboratory," but were surprised when negotiators introduced the new term "essential noncommercial regulatory laboratories" at the July Singapore meeting. The Indonesian team noted that frequent changes in GISN terminology contribute to slower progress in the negotiations. Endang also asked why there are only four "essential noncommercial laboratories" when many countries believe there should be more of laboratories designated. Endang noted that GISN collaborating centers enter into MTAs with the commercial sector using material collected in the GISN. She felt it was unfair that collaborating centers can enter into such agreements and that Member States cannot. Lukito clarified that Indonesia is concerned that STCs applied only to samples shared for potential pandemic vaccines, but not on samples shared for seasonal flu vaccines.

16. (SBU) Lukito said that Indonesia remains committed to seeking solutions to the sample sharing impasse and encourages continued dialogue. He welcomes a side meeting with Ambassador John Lange and David Hohman at the October 17-18 Chatham House meetings to better

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explain the Indonesian position and understand the US position. Lukito noted that the Indonesian team is staying at the Fleming Mayfair Hotel.

17. (SBU) Note: We believe that the Third World Network has been coaching Indonesian participants to harden negotiating positions. The Indonesians were considerably more guarded and nationalistic than on September 27 (ref B). The team initially did not offer information, posed terse questions and provided guarded answers that conveyed a sense of distrust when compared to the candor and openness of earlier meetings. The Indonesians believe that the current governance of the GISN provides benefits, such as access to pandemic vaccines, to developed countries. They want sample sharing directly linked to benefits sharing for developing countries and see STCs as their guarantee. On October 9, Endang had privately commented to an embassy official that the Geneva planning meetings had been "discouraging." We believe that Endang and others privately want a solution to the impasse so that they can return to pressing other work priorities but that the negotiating team is caught between Third World Network politics and a Minister who sees the issue as a personal crusade.

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